

THE WEATHER. Forecast for October 12, 1905. San Francisco and vicinity—Fair Thursday, with fog in the morning; light east winds, changing to brisk westerly. A. G. MCADIE, District Forecaster.

THE CALL

THE THEATERS. ALCAZAR—"What Happened to Jones." CALIFORNIA—Burlesque. CENTRAL—"The Whitecaps." COLUMBIA—"Merely Mary Ann." HAYES—"In a Balcony." CHUTES—Vaudeville. MATINEE. GRAND—"The Sultan of Sulu." LYRIC HALL—Hugo Herrmann. MAJESTIC—"Hamburg." MATINEE. ORPHEUM—Vaudeville. MATINEE. TIVOLI—Grand Opera.

ANNOUNCING THE FINDING OF WIFE'S WILL

Dr. Hemphill Tells Flock Document Is in Hand.

Testament Is Turned Up by People Cleaning Pastor's House.

Discovery of Important Paper Lifts Load From Minister's Mind.

The long searched for will of the late Mrs. Lizzie Hemphill, wife of Rev. Dr. Hemphill, has at last been found, much to the relief of the venerable pastor of Calvary Presbyterian Church, who has been anxiously hunting for the missing document for a number of months. In a bureau drawer in the Hemphill home on Broadway, hidden beneath a strip of paper that covered the bottom of the receptacle, the will, executed eight years ago by Mrs. Hemphill, was discovered yesterday by Sexton Radcliffe of Calvary Church, and his wife, while they were engaged in cleaning the house. Dr. Hemphill was immediately apprised of the fact and was not slow in notifying his lawyers, who will present the document to Judge Coffey to-day.

The finding of the will was made at a most opportune time, for it was learned last night from Dr. Hemphill that he had agreed with his wife's daughter, Mrs. J. W. Daniell of London, to divide the estate, which is valued at \$20,000, and thus preclude the continuance of the proceedings instituted by Mrs. Daniell several weeks ago to have the estate divided. So pleased was Dr. Hemphill over the discovery of the will that he made known the fact to the members of his congregation, who gathered at a church meeting last night. He said he was tired of the worry that the litigation had caused him and was glad that the mystery surrounding the disappearance of the will, which he knew his wife had made, had finally been cleared up.

COPY DECLARED INVALID. The failure to find Mrs. Hemphill's will after her death on March 29, 1895, was followed by no end of trouble to Dr. Hemphill, who declared several months ago that he would willingly give \$20,000 to recover the document. In the absence of the will Dr. Hemphill went into court with a copy of the document, which, by competent testimony, was shown to have been drawn up by Attorney Mountford Wilson in 1887. The will devised in trust to Dr. Hemphill the entire estate for the benefit of himself, Mrs. Daniell of London, daughter of Mrs. Hemphill, Elizabeth Parker Hastings and Harry C. Hastings, children of Mrs. Daniell by a former husband, and H. Sydney Beck, a brother of the deceased, and his three children, Mrs. Lizzie Talbot, Henry P. Beck and Mrs. Ira Robinson.

Hardly had Dr. Hemphill petitioned for letters of administration on the copy of the will before a contest was instituted by Mrs. Daniell, whose lawyers not only questioned the legality of probating an estate on a copy of a will, but also intimated that if the original document was found later and contained the trust provision they would fight to the limit in the courts. On March 29 of this year Judge Coffey decided the copy of the will invalid, but immediately afterward appointed Dr. Hemphill administrator of his wife's estate and fixed the latter's bond at \$25,000.

EXCLUSION ACT BEFORE THE COURTS

Supreme Tribunal to Pass Upon Its Legality.

Cases of Six Chinese Ordered Deported to Be Appealed.

Judge Wing Holds That This Government Cannot Exclude Mongols.

Special Dispatch to The Call. CINCINNATI, Ohio, Oct. 11.—A motion to advance the hearing on the cases of the six Chinese who had been ordered deported from Cleveland under the Chinese exclusion act was granted by the United States Circuit Court of Appeals in this city. The cases are expected to come up at the December term of the court. The same technical question is involved in all of the suits, namely, Judge Wing's contention that the treaty with China has expired and therefore there is no exclusion act under which Chinese can be deported. The litigation affects many of the Chinese now in the United States and is important in every court district; therefore it will be appealed, it is said, to the Supreme Court of the United States. It is said that representatives of the Chinese Government in this country are keeping close watch on all Chinese deported, with the purpose of demanding indemnity in case the Supreme Court decides favorably.

YAQUI REBELS MURDER FAMILY

Make a Descent on a Ranch and Kill Wife and Children of Owner of the Place

Special Dispatch to The Call. HERMOSILLO, Mex., Oct. 11.—A messenger reached here Tuesday night, bringing to Victor Aguilar, a wealthy ranch proprietor, the news that a band of fully fifty Yaqui Indians has sacked his ranch near Carbo, killing Romualdo Lopez, who had charge of the place, the members of Aguilar's family and two cowboys. Lopez and his men made a brave resistance, but were overwhelmed. A third cowboy was chased by the Yaquis, but succeeded in escaping to a nearby ranch. A relief party was at once organized by neighboring ranchers and when they reached the scene they found that Lopez's wife, two small children and a few weeks old had been murdered by the Indians. The ranch house had been looted. A runner was at once dispatched to Hermosillo for help, while the Mexicans on the outlying ranches fled to Carbo for safety. Governor Ysabel has sent a company of the Twentieth Regiment to Carbo, from which point it will take the field against the rebellious savages. Governor Ysabel returned Sunday from Carbo with a number of Yaquis captured by a force under his command in the vicinity of the latest uprising, which is supposed to be a retaliatory act on the part of the Indians who escaped.

KISSES NOT PERILOUS UNLESS PROLONGED

CINCINNATI, Oct. 11.—All of Cincinnati's doctors do not agree with the declaration of Professor Fournier at the tuberculosis convention in Paris that there is extreme risk in kissing. "Before calling kissing criminal and dangerous," said Dr. E. F. Beebe, "one should bear in mind that there are many times more germs beneficial than there are malignant ones. Everything we touch, everything we eat or drink is full of germs. So who shall say a kiss is more dangerous than anything else we do?" "A kiss in itself is not dangerous," declared Dr. Albert Falter, "unless one of the kissers coughs in the other's face or some time there is some other violent exhalation produced. There is no danger from mere moisture of the lips. Dangerous germs come from the lungs and bronchial tubes. Therefore a long kiss is more dangerous than a short one." "It is no crime to kiss," declared Judge Caldwell, former Mayor of Cincinnati, "providing the other party is willing. Of course, a kiss becomes an assault if force is used. The danger in kissing claimed by the doctors is something I don't know anything about. I never got anything worse than fever blisters as the result of a kiss and I don't think all the doctors say about the perils of osculation will prevent a single kiss."

RAILROADS OPEN THEIR CAMPAIGN

Attack President's Plan for Rate Regulation.

Commercial Lynch Law Their Characterization of It.

Head of the Southern Railway Is Spokesman for the Magnates.

Special Dispatch to The Call. NEW YORK, Oct. 11.—Characterizing as "commercial lynch law" the attempt to establish Government control over railroad properties on the lines of the Eads-Townsend bill, Samuel Spencer, president of the Southern Railway, tonight delivered the reply of the railroads to the agitation for rate legislation. Addressing the Newark Board of Trade, Spencer defined the issue for the railroads at the opening of the fall campaign. "Up to the present time," he said, "the shipper and the carrier have been free to work together without political interference, to facilitate the establishment and development of new industries; to reach out for new markets for farmers and manufacturers; to create new communities and maintain the prosperity of those already established, and to cooperate to the fullest possible extent to enlarge the volume of both domestic and foreign trade. "It is now planned to change this system and substitute for it one in which artificial bureaucratic methods will take the place of the natural laws of trade and commerce which have been the controlling force in the evolution of the present system. "And it must be borne in mind that it is planned to give these enormous powers to a body on whom no responsibilities rest nor can rest for the preservation or maintenance of a railroad's property or for the discharge of its financial obligations or the fulfillment of its duties to the public as an efficient common carrier. "In fact the rate established by the Interstate Commerce Commission and therefore unalterable by the carrier, by reduction or otherwise, except upon petition to the commission, instead of serving as a cure or preventive, would be a distinct incentive toward secret reductions when commercial conditions demanded and a public and legal reduction could not be promptly made. "To place in the hands of one tribunal which is or may be prosecutor, jury and judge and at the same time executioner, is equivalent to providing by statute for the enforcement of commercial lynch law."

BEATEN AND ROBBED BY MURDEROUS THUGS

T. F. Quinn of San Francisco Victim of Bold Crime at Hazen.

Special Dispatch to The Call. RENO, Nev., Oct. 11.—After a fierce struggle with two murderous thugs last night at Hazen, T. F. Quinn, a San Francisco capitalist and well-known mine owner of Goldfield, succeeded in beating off his assailants, but was himself badly battered and robbed of several thousand dollars' worth of mining stock. Quinn had in his possession at the time of the hold-up one thousand dollars' worth of diamonds and \$2500 in cash. He succeeded in saving his diamonds and jewelry. The thugs beat Quinn on the head and face with the butt end of a revolver, knocking out all of his teeth and leaving him sweltering in his own blood on the depot platform at Hazen. That Quinn succeeded in saving his diamonds and money is due to the fact that he had them concealed in a belt which was around his waist. With his face swathed in bandages and very much the worse for his terrible experience, Quinn passed through Reno to-night en route to San Francisco. Quinn had been at Goldfield, where he has valuable mining interests. He was told by friends not to stray from the depot, as the locality was filled with thugs, but gave the warning no thought until assaulted. Payment on the mining stock has been stopped.

POISON IS GIVEN INSTEAD OF TONIC

Washington Woman Accidentally Causes Death of Her Mother.

Special Dispatch to The Call. TACOMA, Oct. 11.—Mrs. Taylor, wife of Judge J. A. Taylor, died to-day at Walla Walla as the result of accidental poisoning. Mrs. Taylor had been an invalid for years, and last night her daughter, Mrs. Wann, gave her a teaspoonful of carbolic acid instead of a tonic. Mrs. Wann at once discovered the mistake and immediately summoned a physician. He administered antidotes and when he left Mrs. Taylor seemed out of danger. Later she asked to be lifted to a chair and appeared to be much better, but while her daughter stepped to the dining-room to get a glass of water she died. Mrs. Taylor and her husband came here in 1852, and had been married fifty-nine years.

ROBBED OF \$5000 AND IS LEFT BADLY INJURED IN HOUSE.

William Ellis, a Sydney horseman, was decoyed to a house in Berkeley yesterday, where he was assaulted by a man and woman, robbed of \$5000 and left lying, seriously injured, on the floor. His assailants, whom, he says, he came here with on the steamship Sierra and who gave their name as Brush, fled, probably under the belief that they had left Ellis dead. He reeled to a livery stable and told his story.

AUSTRALIAN THE VICTIM OF MURDEROUS PLOT

William Ellis of Sydney Decoyed by Brutal Couple.

FEMALE IS LURE

Says Man and Woman Laid Trap for Him.

ASSAILANTS FLEE

BERKELEY, Oct. 11.—With the blood streaming from a ghastly wound in his head and hand hanging helpless at his side, broken by a blow from a heavy hammer, William Ellis, a wealthy Australian horseman, staggered into the livery stable of the California Livery Company on Alston way this afternoon, and, lying on the stable floor in a pool of blood, between gasps, a most extraordinary story of attempted murder and robbery, of which he was the victim. His assailants were a man and a woman, Americans, whom he had met in Australia, and who had induced him to come here. Ellis said to the crowd, which quickly gathered on the scene, that he had been lured by these supposed friends into a house at 224 E. 24th street, and while conversing with the man who had enticed him into the trap was struck on the back of the head with a heavy hammer, shot at by the woman as he lay prostrate on the floor, and obliged to lie in anguish while he saw the murderous couple take \$5000 in English banknotes from his coat, and then make a hurried exit from the house. They left \$500 in gold on Ellis' person. Ellis lost consciousness for a few minutes after this attack, and when he revived managed to stagger out of the house, smearing the casement of the door with blood as he walked through. Down E. 24th street to Alston way he stumbled, falling repeatedly, according to observers, who supposed he was a drunk on man. At Alston way he waved his hands and attracted the attention of a passer-by, who came to his assistance and led him down to the stable of the California Livery Company. The police were informed of Ellis' extraordinary story, and at once notified the Oakland and San Francisco departments to watch for the two persons who had committed the crime.



WEALTHY AUSTRALIAN WHO WAS LURED TO A BERKELEY HOUSE BY A MAN AND WOMAN WHOM HE HAD BEFRIENDED AND THERE KNOCKED UNCONSCIOUS AND SERIOUSLY WOUNDED BY THEM, AFTER WHICH THEY ROBBED HIM OF \$5000 AND THEN DECAPPED.

MEETS PAIR ON SIERRA

At Roosevelt Hospital, on Dwight way, physicians attended him. Dr. Gillihan said Ellis' skull was fractured and had been trepanned. The physicians say that Ellis' condition is critical, but that he has a chance to survive. The bullets that were aimed at him missed their mark, as no wounds of this character were found on the body. Ellis came to San Francisco on the steamship Sierra a week ago from Sidney, Australia. He had become acquainted with a man who gave his name as Brush in Australia, representing himself to be a horseman in America. This formed the basis of an acquaintance, and as Ellis desired to be introduced into the racing game in America he considered Brush to be a valuable acquaintance. Ellis loaned Brush \$500 on the steamer, and had made arrangements to go to New York with him. The men were to be accompanied by a woman, who posed as the wife of Brush. The start was to have been made to-night. Ellis had on his person \$5000 in English notes, to be used as a reserve fund on the trip. Brush knew that Ellis carried this money, and with his female companion planned to lure Ellis into a house in quiet Berkeley, and there assault and rob him. The members of the trio met at the Hotel Touraine in Oakland this afternoon at 2 o'clock. Ellis has been living at the Touraine for a week, while Brush made his headquarters in San Francisco, spending much of his time in company with the Australian. The clerk at the Touraine says that Brush and a woman, neither giving a name, asked at the hotel for Ellis this afternoon at 2 o'clock. A few hours before all of Ellis' luggage had been sent to San Francisco in preparation for the trip to New York. Apparently the plan of the conspirators was to have Ellis take a little luncheon with them at the house in Berkeley on Ellsworth street and then rob and perhaps murder him there. When the police came to the house this afternoon, they found the luncheon spread out untouched. Cake and preserves and jam were neatly arranged, the table being spread for three.

WOMAN SHOTS AT HIM

As he turned, clutching at the table to support himself, he saw that his companion and the woman had in their hands a big hammer and a hatchet. He could not tell which had struck him, or whether the man or woman had delivered the blow. Ellis fell to the floor and then two shots were fired at him by the woman as he lay prostrate. The thieves and almost murderers coolly lifted the Australian's coat, took every article of value from it, and then quickly left the house by the front door. Johnny Edwards, a youth who was playing tennis 100 feet from the scene

BANKER BROWN FOUND GUILTY ON 30 COUNTS

Maximum Punishment for His Crime 300 Years in Prison.

Special Dispatch to The Call. ST. LOUIS, Mo., Oct. 11.—W. E. Brown, president of the defunct National Bank of Storm Lake, to-day was found guilty in the Federal Court here on thirty counts for fraudulent banking. Thirty-one counts were preferred against him in the indictments. He will be sentenced on Friday by Judge Reed. The maximum punishment for his crime is 300 years' imprisonment—ten years on each count. The minimum is five years, which he probably will receive. Brown's shortage will reach between \$100,000 and \$200,000. **Bank Cashier Aids Cattle Thieves.** FARGO, N. D., Oct. 11.—W. H. Denney, cashier of the First National Bank at Williston, is under bonds for appearance in the District Court, having been arrested on a charge of receiving horses known to have been stolen. This arrest was made in connection with the cattle-stealing case recently developed in the northwestern part of the State and in which other prominent men are said to be implicated. **Insurance Inquiry Goes Over.** NEW YORK, Oct. 11.—The legislative committee to investigate life insurance adjourned its sessions to-day until next Tuesday on account of the death of Speaker Nixon of the State Assembly.

FOUR WIVES CONFRONT A POLYGAMIST

Fifth Woman Claims Culprit as Her Betrothed.

Special Dispatch to The Call. NEW YORK, Oct. 11.—On the assertion that he had married four women within three years, had lived part of that time with two of them in the same house, periodically visiting the others, and was about to marry a fifth without having created a suspicion of the truth in the minds of any of his victims, Robert Le Roy Binnicker was held by Magistrate Cornell in the Jefferson Market court to-day in \$1500 bail on a charge of bigamy. He pleaded not guilty, but, being unable to obtain bondsmen, was locked up. As the testimony developed, one of the women, who is in ill health, realized that her marriage was not legal and fell in a swoon from the witness stand. Another of the supposed wives caught her in her arms and revived her. Almost at the same moment a fifth woman appeared and asserted that Binnicker was engaged to marry her; that she believed he was true to her, and that the other women were not telling the truth. After this remarkable situation had been adjusted, one woman, notwithstanding her threat to relentlessly prosecute Binnicker, went out and had a substantial luncheon sent in to him. The women are all young.

CZAR INVITES POPE TO SEND A DELEGATION

Vatican May Be Represented at Hague Conference.

Special Dispatch to The Call. ROME, Oct. 11.—It was learned from the highest authority to-day that the Czar has sent an autograph letter to the Pope, inviting him to send representatives to the peace conference. It is expected that the Italian Government will object, owing to the improved relations between the Vatican and the Quirinal, and also because the German Chancellor, Prince von Bulow, has strongly urged the Italian Foreign Minister, Signor Tittoni, to smooth the way to a definite reconciliation. The Pope has not yet sent his answer to the Czar. **SEASON'S FIRST SNOWFALL IN THE NORTHERN STATES** Residents of Minnesota and Wisconsin Experience a Change in Temperature. LA CROSSE, Wis., Oct. 11.—The first snow of the season fell here to-day. The thermometer dropped forty-five degrees in the past twenty-four hours. MOUNT LAKE MINN., Oct. 11.—A heavy frost last night was followed to-day by a hard snowstorm. SUPERIOR, Wis., Oct. 11.—Following a cold and drizzling rain snow fell for half an hour last night. MILWAUKEE, Wis., Oct. 11.—Milwaukee experienced the first snow flurry of the season to-day. The flakes melted as rapidly as they fell.